

AMENDMENTS TO THE DRAWINGS:

The second drawing sheet as filed with the Original Application has been hereby substituted by the following replacement drawing sheet, in which FIG. 2A has been amended to incorporate the Reference Numeral 19. The replacement sheet is enclosed herewith.

REMARKS

Claims 11-21 are pending. Applicants have canceled claim 15. Applicants have amended claims 11, 17 and 19. Support of the amendments is found, for example, in paragraph 2 page 5, paragraph 3 page 6 and Fig. 2A of the specification. No new matter has been introduced by way of these amendments. Accordingly, reconsideration of the application is respectfully requested.

The Examiner has objected to the drawings under 37 C.F.R. §1.84(p)(5) as failing to include the Reference Numeral 19. Applicants submit herewith a “Replacement Sheet” including the amended Fig. 2A. Fig. 2A, as amended, illustrates the Reference Numeral 19 in a clear and definite way. Thus, the objection of the drawings under 37 C.F.R. §1.84(p)(5) is overcome.

The Examiner has objected to the Abstract of the specification as failing to meet the format and language requirements. Specifically, the legal phraseology “comprise” is objected to. Applicants submit herewith an amended Abstract, in which the above legal phraseology is obviated and the language is amended to meet the requirements. Thus, the objection of the Abstract is overcome

The Examiner has objected to claims 14 and 15 for reciting the same subject matter. Applicants have canceled claim 15. Thus, the objection of claims 14 and 15 as being redundant is overcome.

The Examiner has rejected claims 17-21 under 35 U.S.C. §112, second paragraph, as allegedly indefinite. Specifically, the Examiner rejects the term, “trumpet like”, as failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

Applicants have amended claims 17 and 19 to recite the feature, “a laterally open indentation enlarging radially toward the recess”. The amendment is fully supported by paragraph 1, page 7 of the specification and Fig. 5A. Applicants hereby submit that the feature, as amended, reflects and delineates the variety of a “trumpet like indentation” disclosed in the specification. Thus, the rejection of claims 17-21 under 35 U.S.C. § 112, second paragraph, as allegedly indefinite is overcome, and withdrawal thereof is respectfully requested.

The Examiner has rejected claims 11 and 13-21 under 35 U.S.C. § 102(e) as alleged anticipated by U.S. Patent Application Publication No. 2004/0096804 to Vogt et al. (hereafter “Vogt”). Applicants respectfully submit that the rejection is overcome in view of the amendments made to independent claims 11 and 17, and the following remarks.

To maintain a claim rejection under 35 U.S.C. § 102, a reference must disclose each and every element of the claim. Vogt fails to do so.

Claim 11, as amended, recites a transfer part for holding a dental implant. The transfer part comprises a clamping portion for the clamping connection to an implant. The clamping portion comprises a radial groove, a clamp ring and a force transmission element for securing the clamping connection against rotation. Significantly, the clamping ring is insertable into the radial groove to directly engage with the dental implant.

Vogt discloses a combination of a dental implant, an adapter (allegedly an equivalent of the transfer part) and a transfer cap, with the adapter assembled with both the dental implant and the transfer cap. Specifically, as illustrated in Figs. 3A-3C thereof, the adapter 3 comprises a driving section 30 for fitting into the dental implant, a holding section 31 for engaging with the transfer tap, and a plug-type extension 33 for fitting into a coupling piece used

in connection with a screwing-in instrument. The extension 33 comprises an annular groove 331 for receiving a retaining ring 332.

The Examiner alleges that Vogt discloses the clamping portion of claim 11, comprising a radial groove and a clamp ring, by way of the above extension 33, comprising an annular groove and retaining ring. Applicants respectfully disagree for the following reasons.

First, as illustrated in Fig. 5B of Vogt, the extension 33 is not disposed to couple or connect with a dental implant. Instead, the extension 33 is used to connect with a coupling piece for a screwing-in instrument. As described in detail in paragraphs [0016] to [0018] of Vogt, the purpose of this extension 33 is “to fit with a coupling piece, such as a ratchet coupling, to remove the dental implant from an ampule”. Thus, the extension 33 is by no means an equivalent of the clamping portion for the clamping connection to an implant, as recited by claim 11.

Second, since the extension 33 does not couple or connect with the dental implant, the retaining ring 332 thereof cannot directly engage with the dental implant. Thus, the retaining ring 332 is by no means an equivalent of the clamp ring insertable into the radial groove to directly engage with the dental implant, as recited by claim 11.

Thus, Vogt fails to disclose each and every element of claim 11, from which claims 12-16 depend.

Claim 17, as amended, recites a combination of an inner ampule and a transfer part for a dental implant. Specifically, the transfer part comprises a clamping portion having a clamp ring insertable into the radial groove to directly engage with the dental implant. As discussed above, Vogt fails to disclose the above feature.

Claim 18 recites an inner ampule for receiving and securing a transfer part for a dental implant. The inner ampule comprises an upper fixing portion and lower fixing portion. The upper fixing portion reaches to a large surface recess in the inner ampule for insertion and removal of the transfer part. The upper fixing portion further comprises a laterally open indentation towards the recess adapted for the closely fitting insertion of a portion of the transfer part. The lower fixing portion also comprises a laterally open indentation towards the recess and adapted to receive the implant.

Vogt discloses two embodiments of an ampule for containing the combination of a dental implant, a transfer part and a cap. Vogt discloses, in Figs. 7A-7D thereof, a substantially cylindrical container, as the first embodiment of the ampule. Specifically, the container comprises a holding portion having a laterally open indent to engage with the transfer part, which is alleged by the Examiner an equivalent of the upper fixing portion of claim 18. Vogt discloses, in Figs 8A-8E thereof, a blister pack, as the second embodiment of the ampule. The blister pack comprises a plate and a shell extending from the plate. Specifically, two transversely extending and mutually aligned guide slits are formed in the plate, for lightly clamping a retention plate of the cap. In the Examiner's opinion, the transversely extending guide slits are an equivalent of the lower fixing portion of claim 18.

The Examiner alleges that Vogt discloses the ampule of claim 18, comprising an upper fixing portion for engaging with the transfer part and a lower fixing portion for engaging with the dental implant, by way of combining the holding portion of the first embodiment with the transversely extending guide slits of the second embodiment. Applicants respectfully disagree for the following reasons.

First, the Examiner's hypothetical combination of the features originated from the above two different embodiments is improper. As described above, the cylindrical container having a laterally open indent is structurally different from the blister pack having a pair of transversely extending guide slits. Further, neither the container nor the blister pack discloses an ampule comprising both an upper fixing portion and a lower fixing portion. Thus, Vogt fails to disclose each and every element of claim 18, by means of either the first embodiment or the second embodiment thereof.

Second, assuming, *arguendo*, the combination is proper, the combination does not result in a lower fixing portion adapted to receive the implant. As stated above, the holding portion of the cylindrical container of Vogt engages with the transfer part, and the transversely extending guide slits of the blister pack of Vogt engage with the cap. However, neither the holding portion nor the guide slits are adapted to receive the implant, as the lower fixing portion of claim 18 does. Thus, Vogt fails to disclose the feature of a lower fixing portion adapted to receive the implant, as recited by claim 18.

Thus, Vogt fails to disclose each and every element of claim 18, from which claims 19-21 depend.

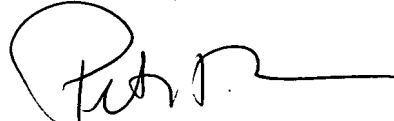
As discussed above, Vogt fails to disclose each and every element of claims 11 and 13-21. Accordingly, the rejection of claims 11 and 13-21 under 35 U.S.C. §102(e) based on Vogt is overcome, and withdrawal thereof is respectfully requested.

The Examiner has rejected claim 12 under 35 U.S.C. §103(a) as allegedly unpatentable over Vogt in view of U.S. Patent No. 5,078,605 to Sutter et al. (hereafter "Sutter"). The rejection is respectfully traversed.

Claim 11, from which claim 12 depends, is discussed above. Vogt is discussed above relative to claim 11. Since Sutter is applied to allegedly teach the further limitations of claim 12, Sutter does not overcome the underlying deficiencies of Vogt with regard to claim 11. Thus, either taken alone or in combination, Vogt and Sutter do not teach or suggest the combination of features recited in claim 12. Accordingly, the rejection of claim 12 under 35 U.S.C. § 103(a) based on the combination of Vogt and Sutter is overcome, and withdrawal thereof is respectfully requested.

In view of the foregoing amendments and remarks, it is firmly believed that the subject application is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Peter I. Bernstein', with a long horizontal flourish extending to the right.

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Enclosure: Replacement Sheet (Fig. 2A)
PIB/HC:dg